

Application No. 09/928,599
Amendment "B" dated November 18, 2005
Reply to Office Action mailed August 19, 2005

BEST AVAILABLE COPY**REMARKS**

These remarks and the accompanying amendments are responsive to the non-final Office Action mailed August 19, 2005 (hereinafter referred to as the "Office Action"). Claims 1-27 were pending at the time of the last examination. Claims 1, 11, 12, 14, 15, 20 and 22-27 are cancelled and new claims 28-33 are added by the response. Accordingly, upon entry of the amendments made herein, Claims, 2-10, 13, 16-19, 21 and 28-33 will be pending for further consideration. Furthermore, Claims 2, 7, 13, 16, 18 and 21 are currently amended herein, whereas Claims 3-6, 8-10, 17 and 19 are original.

Section 3 of the Office Action rejects Claims 1, 11, 12, 15, 20-22 and 25-27 under 35 U.S.C. 102(a) as being anticipated by DE 19830841 A1 to Shulz (hereinafter "Shulz"). All of these claims are cancelled except for Claim 21 are cancelled herein, and thus the rejection is moot with respect to all of these claims except for Claim 21.

Claim 21 (as amended) recites a communication method that transmits, as information of a signal based on a TDD method, at least one of information relating to a position of a signal of a communication channel within a frame of the signal based on the TDD method and information relating to a timing offset between the signal based on the TDD method and a signal based on an FDD method. Shulz does not teach this feature, and thus Claim 21 (as amended) is not anticipated by Shulz. Accordingly, the 35 U.S.C. 102(a) rejection should be withdrawn.

None of the other cited art (namely, United States patent number 6,351,458 issued to Miya et al (hereinafter referred to as "Miya"), United States patent number 6,882,727 issued to Vialen et al. (hereinafter "Vialen"), and United States patent number 6,791,963 issued to Hwang et al. (hereinafter "Hwang"). New Claim 33 recites a similar feature, and thus is not anticipated by, nor rendered unpatentable over, any of the cited art, either singly or in combination.

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Section 5 of the Office Action rejects Claim 14 and 24 under 35 U.S.C. 103(a) as being unpatentable over Shulz in view of Miya. Claims 14 and 24 are cancelled by this response, thereby rendering this rejection moot.

Section 6 of the Office Action rejects Claims 16-19 under 35 U.S.C. 103(a) as being unpatentable over Shulz in view of Vialen.

Claim 16 (as amended) recites a communication method that transmits a signal of a synchronization channel, a signal of a common control channel and a signal of a communication channel as a signal based on a TDD method, and transmits information of the synchronization channel as information of the signal based on the TDD method. Shultz and Vialen do not teach this recited feature, either singly or in combination - nor for that matter do any of the other cited art such as Miya or Hwang. That is, these references do not disclose the idea that even though a signal of a communication channel based on a TDD method is transmitted, information of a synchronization channel based on the TDD method is transmitted. Thus, Claim 16 is not unpatentable over the cited art. Claim 17 depends from Claim 16, and thus is not unpatentable over the cited art for at least the reasons provided for Claim 16. Furthermore, new Claim 31 recites a similar feature, and thus is also not unpatentable over the cited art.

Claim 18 (as amended) recites a communication method that transmits a signal of a common control channel and a signal of a communication channel as a signal based on a TDD method, and transmits information of the common control channel as information of the signal based on the TDD method. Shultz and Vialen do not teach this recited feature, either singly or in combination - nor for that matter do any of the other cited art such as Miya or Hwang. That is,

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they do not disclose the idea that even though a signal of a communication channel based on a TDD method is transmitted, information of a common control channel based on the TDD method is transmitted. Thus, Claim 18 is not unpatentable over the cited art. Claim 19 depends from Claim 18, and thus is not unpatentable over the cited art for at least the reasons provided for Claim 18. Furthermore, new Claim 32 recites a similar feature, and thus is also not unpatentable over the cited art.

Therefore, the 35 U.S.C. 103(a) rejection of Claims 16-19 should be withdrawn for at least these reasons.

Section 7 of the Office Action rejects Claim 23 under 35 U.S.C. 103(a) as being unpatentable over Schulz in view of Ilwang. This rejection is rendered moot by the cancellation of Claim 23 made herein.

Section 8 of the Office Action object to Claims 2-10 and 13 as being dependent upon a rejected based claim, but indicated that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim, and any intervening claim. Claims 2 and 7 have been so rewritten, and thus Claims 2 and 7 are not in patentable form. Claims 3-6 and 8-10 depend from Claims 2 and 7, respectively, and thus these dependent claims no longer depend from a rejected base claim, thereby overcoming the objection.

Claim 13 is amended to be in independent form, and includes many, but not all, of the features of the base claim, and intervening claims. However, the Office Actions states as reasons for allowing Claim 13, that the "prior art fails to disclose the timing of the communication includes the information relating to a position of a signal of the communication channel within a frame of the signal based on the TDD method and information relating to a timing offset between the signal based on the TDD method and the signal based on the FDD method in combination

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with other limitations set forth in the claims." It is respectfully submitted that Claim 13 (as amended herein) still satisfies this reasoning for allowing Claim 13.

New claims 28-30 are similar to claims 2, 7 and 13, respectively. However, while claims 2, 7 and 13 recite methods, claims 28-30 are apparatus claims that claim a mobile station that contains various means for performing the respective method. Accordingly, since claims 2, 7 and 13 are allowable at least for the reasons provided herein, Claims 28-30 are likewise allowable over the cited art.

Accordingly, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of November, 2005.

Respectfully submitted,



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